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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,164	11/13/2001	Frederic Nicolas	P66724USO	9477

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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 10/06/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/856,164

Applicant(s)

NICOLAS ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s)   .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is made in response to applicant's papers filed on 06/04/2001. Claims 1-10 are currently pending in the application. An action follows below:

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 01/21/2002 and entered as paper No. 7 is considered by the examiner.

#### ***Specification***

3. The abstract of the disclosure is objected to because the abstract includes a redundant paragraph, "Translation ... 48.3", at the end of the Abstract sheet. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: there are no section headings, e.g., i.e., BACKGROUND OF THE INVENTION, BRIEF SUMMARY OF THE INVENTION, BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S), DETAILED DESCRIPTION OF THE INVENTION. Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: there is a redundant paragraph at the end of page 2. Appropriate correction is required.

#### ***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature, "the walls of the sleeve", claim 1, last two lines, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

7. Claim 1 is objected to because of the following informalities: line 7, "apparatus" should be changed to -- system--, so as to make this feature consistent with the feature in line 1.

Appropriate correction is required.

8. Claims 2-8 are objected to because of the following informalities: line 1, "Apparatus" should be changed to -- The system--, so as to make these claims consistent with independent claim 1, see line 1 of claim 1. Appropriate correction is required.

9. Claims 9-10 are objected to because of the following informalities: line 1, "Apparatus" should be changed to -- The system--, so as to make these claims consistent with independent claim 1, see line 1 of claim 1, and line 2, "it" should be changed to --the system--, so as to clarify the claimed invention in consistent with the disclosure. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 2, 5, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Powell (USPN: 6,030,290).

As per claims 1 and 8, the claimed invention reads on Powell as follows: Powell discloses a system for transforming the movements of the joint such as a wrist (fig. 1) or an ankle (fig. 1a), into control signals (radio or infrared signals 76, fig. 5, col. 4, lines 59-60) for a computer (a video game unit 22, fig. 5, col. 3, lines 37-38), the system comprising a sleeve (an attaching structure 14, fig. 5) for putting over the ankle (fig. 1a) and a movement sensor (a momentary contact motion switch 12, fig. 5, col. 3, line 34) fixed to the sleeve, being an on/off sensor (col. 3, lines 43-54) and directly subject to the movements of the walls of the sleeve (14) (col. 3, lines 43-54). Accordingly, the Powell reference anticipates the invention defined in claims 1 and 8.

Regarding to claim 2, Powell further teaches the sensor (12) designed to be placed and held in the hollow of the joint (fig. 1).

Regarding to claim 5, Powell further teaches the sensor (12) including a mechanically-controlled switch (a switch including elements 34, 36 and 38, fig. 5) and a projecting piece (a stationary contact arm 32), as claimed, see col. 3, lines 43-54).

Regarding to claim 10, as noting in fig. 5, Powell further teaches the system comprising a processor module (radio or infrared transmitter 68) suitable for transmitting output signals (signals from wires 70 and 72) from the sensor into signals (radio or infrared signal 76) usable by the computer (22) (col. 4, lines 15-23).

12. Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Curchod (USPN: 5,826,578).

As per claims 1 and 6-8, the claimed invention reads on Curchod as follows: Curchod discloses a system (see fig. 2) for transforming the movements of the joint such as a knee, a shoulder, a hip, or an ankle, into control signals (signals generated by each of the sensors 22, col. 4, line 40) for a computer (a processor 30, fig. 2), the system comprising a sleeve (a pair of straps 28, fig. 3) for putting over the knee joint (24) (fig. 3) and a movement sensor (a sensor 22 and a pair of rods 26, fig. 3, col. 3, line 34) fixed to the sleeve (28), being an on/off sensor and directly subject to the movements of the walls of the sleeve (28) (col. 4, lines 1-8). Accordingly, the Curchod reference anticipates the invention defined in claims above.

Regarding to claim 2, Curchod further teaches the sensor (22, 26) designed to be placed and held in the hollow of the elbow joint or ankle joint (fig. 2).

Regarding to claim 3, Curchod further teaches the sensor (22, 26) including a magnetic detector (a sensor 22) and a piece (26) detectable by the magnetic detector (22) (fig. 3, col. 4, lines 6-14).

Regarding to claim 9, as noting in fig. 9 and at col. 8, lines 40-49, Curchod further teaches the system comprising mechanical members (vibrators 70) for applying mechanical actions on parts of the user's body under control of the computer (30).

13. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Carmein (USPN: 5,490,784, cited in IDS filed on 01/21/2002).

As per claims 1 and 4, the claimed invention reads on Carmein as follows: Carmein discloses a system (see fig. 13) for transforming the movements of the joint, such as a knee, into control signals (signals generated by the sensor 521, fig. 14) for a computer (a computer 34, col. 5, lines 53-55), the system comprising a sleeve (a pneumatic support suit 501, fig. 13) for putting

over the knee joint (506) (fig. 13) and a movement sensor (a pressure sensor 521 and a sealed chamber 520, fig. 14) fixed to the sleeve (501), including an air bag (a sealed air chamber 520, col. 12, lines 17-18) and a sensor (a pressure sensor 521, col. 12, line 18), being an on/off sensor and directly subject to the movements of the walls of the sleeve (501) (col. 12, lines 15-37). Accordingly, the Carmein reference anticipates the invention defined in claims above.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

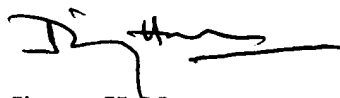
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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JHN  
September 29, 2003

A handwritten signature in black ink, appearing to read 'Jimmy H. Nguyen', with a long horizontal stroke extending to the right.

Jimmy H. Nguyen  
Examiner  
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